

Notice of Allowability

Application No.

09/931,141

Examiner

Thuan N. Du

Applicant(s)

BARON, JOHN M.

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on August 17, 2005 and telephone interviewed on October 21, 2005.
2. ☒ The allowed claim(s) is/are 1-19 and 21-24 (renumbered as 1-23).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20051021</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-19 and 21-24, drawn to retrieving web page and retrieving time-based initialization default values, wherein at least one of plurality of time-based initialization default values is learned from initialization use pattern, classified in class 713, subclass 1.
 - II. Claims 25 and 26, drawn to retrieving television and/or radio channels, classified in class 348, subclass 38.
2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Brian Rosenbloom, Reg. No. 41,276, on October 21, 2005 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-19 and 21-24. Claims 25 and 26 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.
5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

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1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian Rosenbloom, Reg. No. 41,276, on October 21, 2005.

2. The application has been amended as follows:

In the claim:

Please cancel claims 25 and 26.

6. The drawings were received on August 17, 2005. These drawings are approved.

Reasons for Allowance

7. The following is an examiner's statement of reasons for allowance:

Applicant's claimed invention distinguishes over the prior art for the following reasons.

Regarding claims 1 and 14, the claims are allowable over the prior art of record because none of the references, either alone or in combination, discloses or renders obvious the electronic retrieval device including, in combination with other things, a memory storing a web browser, a plurality of time values and a corresponding plurality of resource locators, wherein a processor obtains a current time value from a time source upon initialization of the web browser, retrieving a particular resource locator based on result of a comparison of current time value with plurality of time values, configuring the web browser to use said particular resource locator to retrieve a web page corresponding to the resource locator from an external device connected to a network.

Regarding claim 10, the claim is allowable over the prior art of record because none of the references, either alone or in combination, discloses or renders obvious the electronic retrieval device including, in combination with other things, a memory storing a plurality of time values, a corresponding plurality of time-based initialization default values, and an initialization use pattern that records a user's actions and time of day information that identifies the time period in which the action occurred, wherein at least one of said plurality of time-based initialization default values is learned from said initialization use pattern, wherein upon initialization of the electronic retrieval device, a processor obtains a current time value from a time source, compares the current time value to said plurality of time values, retrieves a corresponding time-based initialization default value, and use the retrieved time-based initialization default value to retrieve particular information for outputting to an output device or to configure the device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday-Friday: 9:30 AM - 6:00 PM, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (571) 273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

TD
October 21, 2005



THUAN N. DU
PRIMARY EXAMINER



Approved
10/21/05

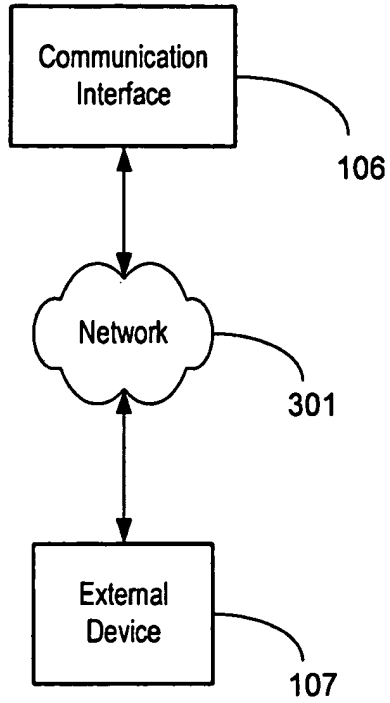


FIG. 3